

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/547,783	10/25/95	BURTON	S 303-101

C5M1/1021

EXAMINER

RAMIREZ, R

ART UNIT

PAPER NUMBER

3505

10/21/96

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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/547,783	Applicant(s) Stewart A. Burton et al.
Examiner RAMON O. RAMIREZ	Group Art Unit 3505

Responsive to communication(s) filed on _____

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1, ~~4-5~~ 11-13 is/are rejected.

Claim(s) 2 and 3, 9 and 10 is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Information Disclosure Statement

The information disclosure statement filed October 25, 1995 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered. It is noted that applicants make reference to form 1449, but no said form has been found in the application.

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

The disclosure is objected to because of the following informalities: on page 12, line 7, applicants refer to Figure 120, but the drawings only contain nine (9) figures, and in line 15, "22" should be - - 24 - -. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Jewell (Pat. No. 2,717,139).

The patent to Jewell shows an air conditioner support comprising a horizontal support member (25) having a plurality of openings (26), a strut member (30) having one end pivotally attached at one of its end to the openings (26), and at its other end having a foot member (39) attached to a supporting surface, and height adjustment means (34). As to claim 8, the device shown by Jewell can be mounted following the claimed method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jewell.

The use of a level is considered as a mechanical expediency known to those in the art and constitutes no patentable subject matter.

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Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jewell in view of Nelson (Pat. No. 1,512,7920).

The patent to Nelson shows an air conditioner support assembly having spacers (7) for adjusting the height of the support member with respect to a window opening. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the invention shown by Jewell with spacers as shown by Nelson as an easy to use means to adjust the height of the support member.

Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jewell in view of Reeves (Pat. No. 2,935,284).

The patent to Reeves shows another air conditioner assembly having a resilient pad (26) on its foot to isolate vibrations. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provide the invention shown by Jewell with a resilient pad on its foot as shown by Reeves to isolate vibrations.

Allowable Subject Matter

Claims 2, 3, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

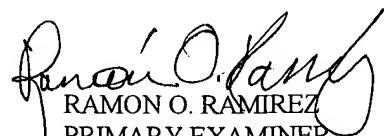
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moore et al. and Bell, Jr. et al. show air conditioner support assembly having a support member and a strut member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner **Ramirez** at telephone number (703) 308-0748. The examiner can be normally reached on Monday-Thursday from 6:30 AM - 4:00 PM. The examiner can also be reached on alternate Fridays from 6:30 AM - 3:00 PM.

The fax number for this Group is (703) 308-3691.

Any inquiry of general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

R.O.RAMIREZ (12)
October 16, 1996


RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT 3505